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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,806	11/19/2003	Bruce Lewolt	DW.077 U.S.	8650
<div>7590 07/24/2007</div> <div>Don J. Carnegie 5405 Alton Pkwy, Suite 5A PMB540 Irvine, CA 92604</div>				
			<div>EXAMINER</div> <div>MUSSELMAN, TIMOTHY A</div>	
			<div>ART UNIT</div> <div>3714</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>07/24/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/031,806	LEWOLT, BRUCE	
	Examiner	Art Unit	
	Timothy Musselman	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-108 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112;

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention.

Claims 1-104 and 108 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 48, 41, 93, 100, and 108 all include language similar to "designating material for studying to provide designated material". Examiner cannot determine the meaning of this statement with certainty. For the purposes of this OA, the language will be interpreted as "designating material for studying". Claims 2-47, 42-92, 42-47, 94-99, and 101-104 are rejected for their incorporation of the above.

Claim Rejections - 35 USC § 102

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action;

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Claims 1-5, 7-8, 9, 16, 20-22, 37, 48-52, 54, 56-58, 65, 69-71, 88, and 100-108 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuppy (WO 98/13807).

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Stuppy discloses a system and method for learning that comprises the step of designating material for studying [claims 1, 48, 100, 105, 108]. See p. 12: 1-20, and note that taking the pretest effectively designates material for future study. Stuppy further discloses processing the designated material to provide a query, presenting a student with said query, gauging said students response to said query, and re-querying said student regarding material the student has a weaker understanding in preference to material the student has a stronger understanding [claims 1, 48, 100, 108]. See p. 12: 1-20.

Stuppy further discloses wherein said step of designating material further comprises designating electronic or digital information materials selected from the group consisting of digital text and scanned materials [claims 2, 49]. See p. 23: 10-21, and note that the material described therein is instructional material for *designation* in a manner as described pertaining to parent claims 1 and 48 above.

Stuppy further discloses wherein said digital text is an electronic text file [claims 3, 50]. See p. 23: 17-18

Stuppy further discloses wherein the step of designating material further comprises designating material from the group consisting of visually based information (scanned images) [claims 4, 51]. See p. 23: 15.

Stuppy further discloses wherein said scanned text contains information scanned by a scanner [claims 5, 52] See p. 23: 15-16.

Stuppy further discloses wherein said step of processing said designated material further comprises determining an item for learning present in said designated material (i.e. determine skill gaps from pre-test), determining a question for querying said student regarding said item,

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and querying said student regarding said item by posing said question [claims 7, 37, 54, 88]. See p. 23: 23 – p. 22: 15, and note that the electronic student workbooks comprise additional queries as described in p.12: 15-30, and further note that the electronic workbooks were compiled based upon skill gaps determined during the material designation phase (pre-test).

Stuppy further discloses wherein said step of determining a question for querying said student comprises general knowledge questions [claim 8]. See fig. 7.

Stuppy further discloses indicating a portion of the designated material for the question, and a portion for the answer, using said indicated question to create a query, and storing said query for future use [claims 9, 57-58]. See p. 3: 1-20. Note that part of the designated material sent to the student requires an input (i.e. answer).

Stuppy further discloses querying said student according to information provided by said student via an evaluation of prior query performance [claims 16, 65]. See p. 22: 10-15.

Stuppy further discloses wherein the step of gauging said student's response to said query further comprises determining a type of learner that said student is by analyzing said students interaction with said query, and re-querying said student according to what said type of learner student is [claims 20-21, 69-70]. See p. 22: 10-15.

Stuppy further discloses designating back-up information, said backup information complementing said designated material and providing greater background for exhibitions/queries presented to said user [claims 22, 71]. See p. 12: 28-31 and p. 12: 15-25.

Stuppy further discloses wherein the method comprises pre-processing coursework materials to provide pre-processed coursework material for direct incorporation and use by said student, and transmits said pre-processed coursework to said student/user [claims 37, 88]. See p. 20: 9-16.

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Stuppy further discloses wherein the question for querying said user is a general knowledge question [claim 56]. See p. 3: 18-20.

Stuppy further discloses associating a unique title with said designated material [claim 101]. See p. 12: 22-24. Note that the retrieval of the selected material from the memory would require unique identification.

Stuppy further discloses associating a title with designated material that is the same as other designated material [claim 102]. See p. 12: 15-20, and note that all of the material as a whole is labeled as "instructional material".

Stuppy further discloses assigning a priority number to designate material for a specific purpose [claims 103-104]. See p. 3: 10-20.

Stuppy further discloses providing a plurality of learning templates by which new information may be learned, and a user assigning one of said templates to said designated material [claims 105-106]. See p. 12: 20-25.

Stuppy further discloses providing designated material comprising organizable information, providing a framework by which said designated material may be organized, enabling a selectable organization of said designated material whereby information in said designated material is organized according to a user's preferences [claim 107]. See p. 12: 1-20.

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Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 6 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Ho et al. (US 6,139,330).

Regarding Claims 6 and 53, examiner takes OFFICIAL NOTICE that the use of hand held scanners is old and well known in the art, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a hand held scanner in the method of Stuppy, in order to provide a convenient means to enter information into the system.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of GOOGLE (www.google.com).

Regarding claim 55, Stuppy discloses the automatic selection of query material (see p. 12: 15-25), but fails to teach of generating the query based on a keyword or phrase. However, the website GOOGLE teaches of solving the problem of selecting items from a large set of material, and teaches of doing so by the use of key word and phrase searching. See the google website at www.google.com. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the key word/phrase techniques of GOOGLE to search through the material in the method of Stuppy, in order to provide an easy manner to locate relevant material.

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Claims 10-14, 17, 41, 53, 55, 59-63, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Ho et al. (US 6,139,330).

Stuppy discloses a system that meets all of the limitations of parent claims 1 and 48 as described above, but fails to explicitly teach of indicating a summary question after determining a plurality of questions, and indicating how the summary question relates to the plurality of questions (the plurality of questions already in the system of Stuppy as described above) [claims 10-11, 14, 41, 59-60, 63]. However, Ho teaches of a computer based educational system that teaches of using summaries. See col. 3: 39-48. It would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize the summary technique of Ho, in the system of Stuppy, so as to allow for review of questions already presented.

Stuppy also fails to explicitly teach of there being between 4 and 8 questions [claims 12, 61]. However, examiner takes OFFICIAL NOTICE that it is old and well known in the art to ask between 4 and 8 questions, and that it would have been obvious to one ordinary skill in the art at the time of the invention to use between 4-8 questions in the system of Stuppy, because 4-8 questions is a range adequate for review without exhausting the user.

Stuppy further discloses wherein the questions are machine defined [claims 13, 62]. See p. 12: 15-20.

Stuppy further discloses prioritization of questions according to the likelihood of being on a specific test [claims 17, 66]. See p. 3: 1-10. Note that the steps described are iterative. Thus, the instructional material will always be prioritized according to the test that is to be taken pertaining to said instructional material.

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Claims 15 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Ho et al. (US 6,139,330), and in further view of Sonnenfeld (US 6,112,049).

Stuppy/Ho disclose all of the features of parent claims 14 and 63 as described above, including the designation of material to study by the student. However, there is no explicit teaching wherein the student selects the number of queries received [claims 15, 64]. However, Sonnenfeld teaches of an automatic query system that teaches explicitly of the selection of the number of queries received. See col. 9: 5-10. It would have been obvious to one of ordinary skill in the art for the student of Stuppy who is seeking the review, to additionally specify the number of questions to receive, as taught by Sonnenfeld, in order to have a session that is more adapted to their needs.

Claims 18-19, 3435, 36, 67-68, and 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Sonnenfeld (US 6,112,049).

Stuppy discloses all of the features of parent claims 1 and 48 as described above, including the gauging of student responses according to answers to queries. However, there is no teaching wherein the student's answer to said query also includes an evaluation (i.e. a difficulty level) [claims 18-19, 67-68]. However, Sonnenfeld teaches of an automatic query system that ranks questions according to difficulty level. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the category of difficulty level, as taught by Sonnenfeld, in the query system of Stuppy, in order for the student to more accurately define their current understanding of the material so that remedial steps can be taken if needed.

Although Stuppy teaches of exchanging information over a computer network as described previously [claims 35, 86], there is no teaching wherein the query can be shared with a second student and of limiting those with whom the query is shared [claims 34,36 and 85,87]. However,

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Sonnenfeld teaches of these features. See col. 5: 48-50. Note that in order for a test (query set) to have an average, high, and low score, the queries would have to be shared. Additionally, note that the sharing is limited to the test takers. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the query sharing method of Sonnenfeld in the system of Stuppy, in order to maximize efficiency by providing the same information to students at the same point in a program.

Claims 23-26 and 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of "Study On Student Cheating Finds Profs Make a Difference"; Science Daily;
<<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>> .

Stuppy discloses all of the features of parent claims 1 and 48 as described above, including the accumulation of information, but there is no teaching accumulating multiple student ratings of the material according to a likelihood of being on specific tests [claims 23-26, 72-75]. However, according to the Science Daily article entitled **"Study On Student Cheating Finds Profs Make a Difference"**, students providing advanced knowledge of information that is likely to be on tests is not uncommon. See page 1, about half way down the page. It would have been obvious to one of ordinary skill in the art at the time of the invention to include with the other accumulated data stored in the system of Stuppy, student knowledge of the likelihood of questions to appear on particular tests, as taught by the Science Daily article, so that the student can better prepare for said test.

Claims 27, 29, 31, 76-78, 80, and 82 are rejected under 35 U.S.C. as being unpatentable over Stuppy (WO 98/13807) in view of Lotvin (US 5,907,831).

Stuppy discloses all of the features of parent claims 1 and 48 as described above, but fails to teach of providing entertainment/advertisements being provided subsequent to said query

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[claims 27, 31, 76, 82], wherein said query is the final query in a group of queries [claims 28, 79]. Additionally, although Stuppy discloses selecting information to present to the student based on the student profile as described previously, there is no teaching wherein said material is advertisements/entertainment [claims 29, 80]. Stuppy also fails to explicitly teach of providing the advertisement/entertainment to the student after a *designated* period of time determined by another person [claims 77, 78]. However, Lotvin teaches of an educational computer system in which advertisement is presented to the user. See col. 2: 20-24. Note that the designated time as per claims 77-78 is "as the child uses the system", and said time is selected by the parent (i.e. another person). Note that advertisements are generally entertainment, and thus no distinction will be made between the two in this OA. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the advertising/entertainment aspects of Lotvin in the system of Stuppy (anywhere, including after a set of queries) to recuperate operating costs, and to store advertisement data in the user profiles of the students of Stuppy, in order to better target the advertisements so as to recuperate system operating costs.

Claims 30, 32-33, 81, and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Lotvin (US 5,907,831) and in further view of Kesel (US 5,822,744).

Stuppy/Lotvin disclose all of the features of parent claims 30, 32, 81, and 83 as described above, including the providing of advertisement/entertainment. However, there is no teaching of rating of said advertisement/entertainment by the students, said rating indicating appeal of the advertisement/entertainment as well as products or services offered by said entertainment [claims 30, 32-33, 81, 83-84]. However, Kesel discloses that it is common for systems with advertisement/entertainment to include rating systems for marketing purposes. See col. 2: 5-15. It would have been obvious to one of ordinary skill in the art to include the common and well known rating system as described by Kesel, in the system of Stuppy, in order to allow for marketing

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feedback and targeted advertisements, in order to increase advertising revenue to recover operating costs of the system.

Claims 38-40 and 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy (WO 98/13807) in view of Cook et al. (US 5,727,950).

Stuppy discloses all of the features of parent claims 37 and 88 as described above, but fails to teach of encryption to limit the access to the coursework to the student [claims 38, 89-90].

However, Cook teaches of a networked education system that includes this feature. See col. 22: 61-68. Note that all of the features of claims 39-40, and 91-92, are comprised by standard and extremely well known encryption methods referred to in the citation. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the encryption of Cook in the system of Stuppy, in order to protect the student data.

Claims 41-43 and 93-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy in view of Ho et al. (US 6,139,330), Sonnenfeld (US 6,112,049), Lotvin (US 5,907,831), Lotvin (US 5,907,831) in further view of Kesel (US 5,822,744), and the Science Daily; <<http://www.sciencedaily.com/releases/1998/07/980708085624.htm>>.

With the exception of one limitation, claims 41 and 93 are a composite of claims 1-3, 6, 9, 17-19, 22-24, 27, and 31-36. Applicant is referred to these rejections above for all features with the exception of providing a machine generated hint when student requests one. Examiner takes OFFICIAL NOTICE that the providing of hints is old and well known in educational systems, and that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize hints in the system of Stuppy to guide students along a learning path.

Claims 43 and 95 are rejected as described previously with respect to claim 37.

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Stuppy discloses wherein the student designates study material as described previously, but fails to teach of the student overriding any preference to study all questions equally [claims 42, 94]. However, Sonnenfeld teaches of control over questions asked in a testing system. See col. 5: 1-68. It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the student control of Stuppy to include the question control aspects of Sonnenfeld, in order to give the student more control over the educational process.

Claims 44-47 and 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy in view of Ho et al. (US 6,139,330), Sonnenfeld (US 6,112,049), Lotvin (US 5,907,831), Lotvin (US 5,907,831) in further view of Kesel (US 5,822,744), and the Science Daily; <http://www.sciencedaily.com/releases/1998/07/980708085624.htm>, and Cook et al. (US 5,727,950).

Claims 44 and 96 are rejected as described previously with respect to claim 38.

Regarding **claims 45 and 97**, Stuppy discloses pre-designed templates that have built in functions to enhance learning and to help a student study, wherein the material designated to be learned is placed into the template. See p. 12: 5-25. Note that the selection of material (stored separate from the template) is done via the pre-test, and the material is placed into a workbook (i.e. a template). Stuppy further discloses allowing the student to select which information to keep active in the students memory. See p. 12: 5-25. The information selected by the student has been selected in order to keep it active in the students memory, at least for the duration of the educational process, because if it were not, it would not have been selected. Stuppy further discloses querying said student at defined time intervals selected by the student. See p. 4: 51-14, and note that since the process described here is iterative, the student is the one who ultimately decides when the next set of queries is received (i.e. after completion of the previous set and the updating of the profile). Stuppy further discloses archiving information studied by the student so that it can be represented to the student later. See p. 12: 20-25. Although Stuppy discloses using

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information from queries to adjust future queries for the student, there is no teaching wherein the queries include information about questions that were on a specific test. However, this is an obvious variation of Stuppy in view of the Science Daily article as described with reference to claim 25. Stuppy also additionally fails to teach of using colors to designate the material selected by the student. However, Cook teaches of using colors to specify various differences in an educational program. See col. 31:60 – col. 32:3. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the coloring of Cook in the system of Stuppy/Ho/Sonnenfeld/Lotvin/Kesel/Science daily, in order to clearly separate different areas of the educational material.

Regarding **claims 46 and 98**, the creation of a list of questions regarding what questions were on a test (i.e. information students who take the class in the future should learn) and sharing it with other selected students is rejected in the same manner as claims 25-26. The limitation of allowing the students to select what they want to keep active in their memory and time intervals for queries has already been rejected in parent claim 45.

Regarding **claims 47 and 99**, Stuppy discloses prompting the student to try to associate first information with second information that the student learned previously. See col. 4-13. Note that the process described is *remedial* and iterative, which is to say that some of the questions are related to previous questions the student missed, and the asking of these questions is a prompt to remember previously presented material. Stuppy further discloses said student selecting key information in a sentence or paragraph selected by said student. See p. 12: 1-25. Stuppy further discloses prompting the student to generate summary questions. See col. 12: 1-25. Stuppy further discloses recording, learning, and cataloging information, including when it was delivered and what it was. See p. 12: 1-25. Stuppy fails to teach wherein the information consists of jokes or stories. However, Cook teaches of stories and jokes within an educational system. See col. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention, to include the entertainment aspects of Cook in the system of

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Stuppy/Ho/Sonnenfeld/Lotvin/Kesel/Science daily, in order to keep the student from burning out.

Examiner takes OFFICIAL NOTICE that it is old and well known in the art to play background

music while studying, and that inclusion of background music in the system of

Stuppy/Ho/Sonnenfeld/Lotvin/Kesel/Science daily, in order to provide relaxation.

Conclusion

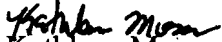
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto, can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kathleen Mosser
Primary Examiner
Art Unit 3714